

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 222 OF 2006.
IN
CRIMINAL REV. APPLICATION NO.258 OF 2006

Shri V.K.Pandit ..Applicant
V/s
The State of Maharashtra
and anr. ..Respondents.

Mr. Milan Desai, Advocate for the applicant
Mr. Y.S. Shinde, APP for the State.
None for respondent No.2.

CORAM : J.H. BHATIA, J.

DATE : 14TH FEBRUARY, 2007.

P.C.

. Heard Mr. Milan Desai, learned Counsel for the applicant and Mr. Shinde, APP for the State. None for respondent No.2.

2. The applicant was convicted for the offence punishable under section 420 Indian Penal Code and was sentenced to undergo R.I. for two years and to pay compensation of Rs. One lac to respondent No. 2. Appeal was dismissed and therefore, the applicant has filed revision application, which is already admitted. By this application, the applicant seeks to be released

on bail pending final hearing and disposal of the revision application.

3. The applicant is in custody since 26th April, 2006. It appears that the amount which he had received from respondent No. 2, was already repaid by him by cheque even before the prosecution was launched. Therefore, the trial Court had awarded compensation of Rs. One lac. The learned Counsel for the applicant also informed that respondent No. 2 had also filed a suit for compensation which is also decreed for the similar amount. Respondent No.2 cannot receive compensation twice for the same wrong. Anyhow, the learned Counsel for the applicant states that as the applicant is in jail for last about 10 months, he is not in position to deposit the compensation amount immediately, but if some reasonable time is given, he will pay amount of Rs.20,000/- initially and thereafter amount of Rs.5000/- per month. Taking into consideration the circumstances, I find that the applicant may be granted bail subject to depositing amount of Rs. 20,000/- within two weeks from this date.

4. The applicant shall be released on bail on same

terms and conditions as before the trial Court on executing fresh bail bonds with further condition that he shall pay amount of Rs. 5000/- per month towards balance amount beginning with first April, 2007. This order shall remain in force pending final hearing and disposal of the revision application.

. Application stands disposed of.

(J.H. BHATIA, J.)